

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA
PLAINTIFF

V.

CIVIL ACTION NO. 1:11CV14LG-RHW

\$13,350 UNITED STATES CURRENCY
DEFENDANT

DEFAULT JUDGMENT OF FORFEITURE

This matter comes before the Court on the Motion for Default Judgment of Forfeiture filed by the United States of America (“Government”) and, finding that the relief sought by such motion has merit and should be granted, the Court further finds and adjudicates as follow:

1. The Complaint for Forfeiture *in Rem* in this matter was filed on January 14, 2011, and pursuant to order of this Court, the defendant property, described above, was arrested by the Federal Bureau of Investigation(FBI).

2. Subsequently, on January 27, 2011, a copy of the Complaint for Forfeiture *in Rem* and Notice of Forfeiture Action was served by certified mail, return-receipt requested, upon Ernest Mallety as noted in the Proof of Service filed on April 12, 2011 (Ct. Doc. No. 6). Several attempts of serving Shandria Latercia McCaskill-Olota, via certified mail, with a copy of the Complaint for Forfeiture *in Rem* and Notice of Forfeiture Action were made. After each attempt, the certified letters were returned by the U. S. Post Office marked “unclaimed”. This is noted in the Proof of Service filed on April 12, 2011 (Ct. Doc. No. 6). Additionally, a notice of the forfeiture was also

published on the official government internet website (www.forfeiture.gov) for a period of at least 30 consecutive days commencing on January 23, 2011 as noted in the Declaration of Publication filed on March 8, 2011 (Ct. Doc. No. 5).

3. The notice informed Ernest Mallety and Shandria Latercia McCaskill-Olota and any other persons or entities, known or unknown, claiming an interest in the defendant property, that the defendant property had been arrested, that this civil forfeiture action was pending, that they had at least thirty-five (35) days from receipt of notice to file a claim and twenty (20) days after filing the claim to file an answer. Further, for guidance in the preparation of a claim and answer, the notice referred any such persons or entities to Rule G(5) of Supplemental Rules of Admiralty and Maritime Claims, and warned that if this rule was not strictly followed, any claim and answer could be stricken and a default judgment of forfeiture or summary judgment rendered.

4. The Government took all reasonable measures to insure that Ernest Mallety and Shandria Latercia McCaskill-Olota , and any other possible claimant, received such notice in a timely fashion. To this date however, neither Ernest Mallety and Shandria Latercia McCaskill-Olota , nor any other person or entity has filed a claim, answer, or any other pleading in this case, nor has anyone otherwise appeared herein, individually or through a representative. Therefore, Ernest Mallety and Shandria Latercia McCaskill-Olota and any other possible claimants, are in total default, the Entry of Default made by the Clerk(Ct. Doc. No. 10) was entirely proper, and the Government is entitled to a default judgment of forfeiture, all without the necessity of any further notice to Ernest Mallety and Shandria Latercia McCaskill-Olota or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The United States of America is hereby given a default judgment of forfeiture against the defendant property described below:

\$13,350 United States Currency

and against the interest therein of Ernest Mallety and Shandria Latercia McCaskill-Olota and any and all persons or entities having or claiming an interest in defendant property;

b. Title to defendant property is hereby vested in the United States of America and any administrative claims or interests therein of any persons or entities, including Ernest Mallety and Shandria Latercia McCaskill-Olota , are hereby canceled;

c. Defendant property is referred to the custody of the United States Marshal for disposition in accordance with law and regulations.

SO ORDERED AND ADJUDGED this the 15th day of April, 2011.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.

Chief United States District Judge